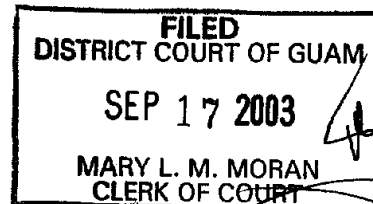


ORIGINAL

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RRG International, Inc.

IN THE DISTRICT COURT OF GUAM

SHELL GUAM, INC.,	)	CIVIL CASE NO. 03-00029
	)	
Plaintiff and Counter-defendant,	)	
	)	<b>MEMORANDUM OF POINTS AND</b>
vs.	)	<b>AUTHORITIES IN SUPPORT OF</b>
	)	<b>MOTION TO INTERVENE</b>
F/V PALAU MARU NO. 1,	)	
	)	
Defendant and Counter-claimants,	)	
	)	
and	)	
	)	
RRG INTERNATIONAL, INC.	)	
	)	
Claimant and Plaintiff-in-Intervention.)	)	

INTRODUCTION

The defendant vessel is currently under arrest at Guam. Plaintiff Shell Guam, Inc. ("Shell") has claimed a maritime lien for fuel supplied to the vessel. To date, the vessel has not paid Shell or posted substitute security. Just prior to the arrest by Shell, RRG International, Inc. ("RRG"), plaintiff in intervention, supplied fuel and bait for the then planned fishing trip. Since the arrest, RRG has paid to keep the generators and bait freezer operational.

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### AUTHORITY FOR THE MOTION

Rule 24(a) permits intervention of right upon timely application when the applicant claims an interest relating to the property or transaction which is the subject of the action and the applicant is so situated that the disposition of the action may as a practical matter impair or impede the applicant's ability to protect that interest, unless the applicant's interest is adequately represented by existing parties.


The interest here of intervenor RRG is that of a supplier of necessities to the defendant vessel. As provided by 46 U.S.C. §31342(a), RRG has a maritime lien on the defendant vessel and may bring a civil action in rem to enforce the lien. RRG being the provider of necessities later in time than plaintiff Shell, is entitled to priority over liens alleged by Shell. *The St. Jago de Cuba*, 22 U.S. 409 (1824).

The interest herein of RRG is that of a first priority maritime lien on the defendant vessel, said lien not being adequately protected by any of the existing parties.

This motion is timely. The vessel remains under arrest and no Marshall's sale is imminent. Sufficient time remains for whatever discovery is required with regard to RRG's lien and the competing claims of RRG and Shell. Accordingly, no prejudice ought result to other parties based on any claimed untimeliness of this motion to intervene.

Dated this 17<sup>th</sup> day of September 2003.

CARLSMITH BALL LLP

  
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